

FILED & JUDGMENT ENTERED David E. Weich
Dec 30 2009
Clerk, U.S. Bankruptcy Court Western District of North Carolina



George R. Hodges
George R. Hodges
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:

WILLIAM JOSEPH NOLAN, III AND
MARTHA LOUISE HEMPHILL NOLAN,
Debtors

Case No. 09-31456
Chapter 11

ORDER

THIS MATTER coming on for hearing based upon the Motion to Convert filed by Providence Downs South Homeowner's Association ("Homeowner's Association") and the Homeowner's Association being represented by Constance L. Young of Johnston, Allison & Hord, P.A., the Debtor being represented by Richard M. Mitchell, the Estate of Marvin Little being represented by Amy Pritchard Williams of K & L Gates and the Bankruptcy Administrator's office being represented by Linda Simpson and based upon the consent of the parties as represented to the Court, the Motion to Convert the case is denied. It is, however, determined to be in the best interest of all parties that a Chapter 11 Trustee be appointed in this matter and the parties have consented and agreed to the appointment of Edward Bowers to serve as Chapter 11 Trustee.

It is so ordered.

United States Bankruptcy Court

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.